



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No. VPA02001
Effective Date: December 23, 2008
Expiration Date: December 22, 2018

AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE VIRGINIA POLLUTION ABATEMENT PERMIT

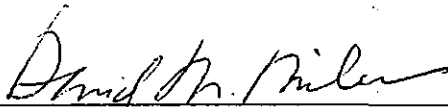
AND

THE VIRGINIA STATE WATER CONTROL LAW


In compliance with the provisions of the State Water Control Law and the Permit Regulation adopted pursuant thereto, the following owner is authorized to manage pollutants in conformity with the application, plans, specifications, and supporting data submitted to the Department of Environmental Quality, and other conditions set forth in this permit.

Owner: Chesapeake Custom Chemical Corporation
Owner Address: P.O. Box 615
 Ridgeway, Virginia 24148
Facility Name: Chesapeake Custom Chemical Corporation

The authorized pollutant management shall be in accordance with this cover page, Part I - Monitoring Requirements and Special Conditions and Part II - Conditions Applicable to All VPA Permits, as set forth herein.



Steven A. Dietrich, P.E.
Regional Director



Date

A. Monitoring Requirements

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to manage pollutants at Chesapeake Custom Chemical Corporation in Ridgeway, Virginia. The pollutants shall be limited and monitored by the permittee as specified below:

<u>PARAMETERS</u>	<u>LIMITATIONS</u>	<u>GROUNDWATER MONITORING</u>		
		<u>UNITS</u>	<u>MONITORING REQUIREMENTS</u>	<u>Sample Type</u>
Static Water Level	NL	ft/inch (elevation)	Frequency 1/Year	Measured
pH	NL	S.U.	1/Year	Grab
Ammonia-Nitrogen	NL	mg/L	1/Year	Grab
Nitrate-Nitrogen	NL	mg/L	1/Year	Grab
Total Dissolved Solids	NL	mg/L	1/Year	Grab

NL = No limit, this is a monitoring requirement only.

- a. Samples taken in compliance with the monitoring requirements specified above shall be taken on the same date at the following monitoring well (MW) locations: MW-1 (upgradient), MW-2 (downgradient), MW-3 (downgradient)
- b. The static water level shall be measured prior to bailing the well water for sampling. At least 3 well volumes of ground water shall be withdrawn immediately prior to sampling each monitoring well.
- c. Potentiometric surface maps are to be submitted annually with the ground water monitoring data.

B. Other Requirements or Special Conditions

1. **Discharge Exception**

All pollutant management activities covered under this permit shall maintain no point source discharge of pollutants to surface waters except in the case of a storm event greater than the 25-year, 24-hour storm. The operation of the facilities of the owner permitted herein shall not contravene the Water Quality Standards, as adopted and amended by the Board, or any provision of the Water Control Law.

2. **Operations and Maintenance Manual**

The owner shall review the existing Operations and Maintenance (O&M) Manual for the treatment works/pollutant management system permitted herein and notify the DEQ Regional Office, in writing, that it is still accurate and complete. If the O&M Manual is no longer accurate and complete, a revised O&M Manual shall be submitted for approval. The manual shall reflect the practices and procedures, including applicable Best Management Practices, followed by the permittee to ensure compliance with the requirements of this permit. The permittee shall maintain an accurate, approved O&M Manual and operate the treatment works/pollutant management system in accordance with the approved O& M Manual which becomes an enforceable part of the permit. Any changes in those practices and procedures shall be documented and submitted for staff approval within 90 days of the effective date of the changes. Upon approval of the submitted manual changes, the revised manual becomes an enforceable part of the permit. Noncompliance with the O&M Manual shall be deemed a violation of the permit.

Letter/ Revised Manual Due: No later than **April 10, 2009**

3. **Material Storage and Handling**

Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, and/or stored in such a manner so as not to permit a discharge of such product, materials industrial wastes, and/or other wastes to State waters, except as expressly authorized.

B. Other Requirements or Special Conditions

4. **Pump and Haul Agreement**

In the event that the permittee plans to generate and store process water at the facility and pump and haul process water, the permittee shall submit a pump and haul letter of agreement to the regional DEQ office. This pump and haul letter of agreement shall be submitted to the regional DEQ office prior to hauling process water to a wastewater treatment plant.

5. **Quarterly Pump and Haul Activity Reporting**

In the event that the permittee notifies the DEQ of proposed pump and haul activities, quarterly reporting shall begin within three months of notification. A quarterly report shall be prepared and submitted to the DEQ by the 10th of the month following the monitoring quarter, providing:

- a. Date(s) of wastewater disposal during the previous quarter.
- b. Volume of water hauled off-site during each disposal during the previous quarter.
- c. Wastewater characterization results of each wastewater load.
- d. A copy of all signed manifests from the previous quarter.

If a pump and haul activity does not occur in a given quarter, a report indicating such is required. Quarterly reporting shall no longer be required upon nullification of any pump and haul agreement.

6. **Freeboard Requirement**

All waste storage facilities shall maintain one foot of freeboard at all times, up to and including a 25-year, 24-hour storm.

7. **Ground Water Monitoring Plan**

The permittee shall sample and report monitoring results in accordance with the revised ground water monitoring plan approved on March 17, 2006. The purpose of this plan is to determine if the system integrity is being maintained and to indicate if activities at the site are resulting in violations of the Board's Ground Water

B. Other Requirements or Special Conditions

7. Ground Water Monitoring Plan (Continued)

Standards. The approved plan is an enforceable part of the permit. Any changes to the plan must be submitted for approval to the DEQ West Central Regional Office.

8. Annual Project Summary Report

An annual project summary report shall be prepared and submitted by **February 10** of each year detailing the following:

- a. The yearly water balance showing inputs to (process water and storm water) and drawdown from the holding facilities and the dates of wastewater disposal. A water balance schematic shall be included in the report accounting for the quantities of inputs from each source and withdrawals from the system. The facility may be exempted from the water balance if no process water is stored in containment basin.
- b. A general statement of past system performance and the status of the permitted facilities with regard to complying with Virginia Pollutant Abatement Permit requirements.

Annual Summary Reports Due: **February 10, 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018**

9. Concept Engineering Report Requirement

The permittee, shall, in accordance with the Code of Virginia, submit a Concept Engineering Report to the West Central Regional Office for approval prior to constructing, expanding, or employing new processes where there is a potential to discharge industrial wastes to state waters.

PART II -- CONDITIONS APPLICABLE TO ALL VPA PERMITS

A. Monitoring

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures listed under Title 40 Code of Federal Regulations Part 136, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The name of the individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The name of the individual(s) who performed the analyses;
 - e. The analytical techniques or methods used, with supporting information such as observations, readings, calculations and bench data; and
 - f. The results of such analyses.
2. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention may be extended by request of the Board at any time.

C. Reporting Monitoring Results

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after the monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

Virginia Department of Environmental Quality
West Central Regional Office
3019 Peters Creek Road
Roanoke VA 24019

2. Monitoring results shall be reported on forms provided or specified by the Department.
3. If the permittee monitors the pollutant management activity, at a sampling location specified in this permit, for any pollutant more frequently than required by the permit using approved analytical methods, the permittee shall report the results of this monitoring on the monitoring report.
4. If the permittee monitors the pollutant management activity, at a sampling location specified in this permit, for any pollutant that is not required to be monitored by the permit, and uses approved analytical methods, the permittee shall report the results with the monitoring report.
5. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permittee. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as requested by the Board prior to commencing construction.

E. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II.F.; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II.F., shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all

H. Reports of Unusual or Extraordinary Discharges (Continued)

available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II.I.2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II.I. if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II.I.1. or 2., in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II.I.2.

I. Reports of Noncompliance (Continued)

NOTE: The immediate (within 24 hours) reports required in Parts II.F, G and H may be made to the Department's Regional Office at (540) 562-6700 (voice) or (540) 562-6725 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the design or operation of the pollutant management activity.
2. The permittee shall give at least 10 days advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements

1. Applications. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

K. Signatory Requirements (Continued)

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II.K.1., or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Part II.K.1.;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - c. The written authorization is submitted to the Department.
3. Changes to authorization. If an authorization under Part II.K.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II.K.2. shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
4. Certification. Any person signing a document under Parts II.K.1. or 2. shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or

L. Duty to Comply (Continued)

modification; or denial of a permit renewal application. Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with the State Water Control Law.

M. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II.U.), and "upset" (Part II.V.) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance

The permittee shall be responsible for the proper operation and maintenance of all treatment works, systems and controls which are installed or used to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures.

R. Disposal of Solids or Sludges

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any pollutant management activity in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass

1. Prohibition - Bypass means intentional diversion of waste streams from any portion of a treatment works. A bypass of the treatment works is prohibited except as provided herein.
2. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, he shall notify the Department promptly at least 10 days prior to the bypass. After considering its adverse effects the Board may approve an anticipated bypass if:
 - a. The bypass will be unavoidable to prevent loss of human life, personal injury, or severe property damage ("Severe Property Damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production); and
 - b. There are no feasible alternatives to bypass such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if bypass occurs during normal periods of equipment downtime or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.

U. Bypass (Continued)

3. Unplanned Bypass - If an unplanned bypass occurs, the permittee shall notify the Department as soon as possible, but in no case later than 24 hours, and shall take steps to halt bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in paragraphs U.2.a. and b. and in light of the information reasonably available to the permittee at the time of the bypass.

V. Upset

A permittee may claim an upset as an affirmative defense to an action brought for noncompliance. In any enforcement proceedings a permittee shall have the burden of proof to establish the occurrence of any upset. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:

1. That an upset occurred and that the cause can be identified;
2. That the permitted facility was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;
3. That the 24-hour reporting requirements to the Department were met; and
4. That the permittee took all reasonable steps to minimize or correct any adverse impact on state waters resulting from noncompliance with the permit.

W. Inspection and Entry

Upon presentation of credentials, any duly authorized agent of the Board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private and have access to records required by this permit;
2. Have access to, inspect and copy any records that must be kept as part of permit conditions;
3. Inspect any facility's equipment (including monitoring and control equipment) practices or operations regulated or required under the permit; and
3. Sample or monitor any substances or parameters at any locations for the purpose of assuring permit compliance or as otherwise authorized by the State Water Control Law.

W. Inspection and Entry (Continued)

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is involved in managing pollutants. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions

Permits may be modified, revoked and reissued, or terminated for cause upon the request of the permittee or interested persons, or upon the Board's initiative. If a permittee files a request for a permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the permit terms and conditions shall remain effective until the request is acted upon by the Board. This provision shall not be used to extend the expiration date of the effective VPA permit.

Y. Transfer of Permits

1. Permits are not transferable to any person except after notice to the Department. The Board may require modification or revocation and reissuance of the permit to change the name of the permittee and to incorporate such other requirements as may be necessary. Except as provided in Part II.Y.2., a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified to reflect the transfer or has been revoked and reissued to the new owner or operator.
2. As an alternative to transfers under Part II.Y.1., this permit shall be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The Board does not, within the 30-day time period, notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit.

Z. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.